

Public Law 85-734

AN ACT

Granting the consent and approval of Congress to the Tennessee River Basin Water Pollution Control Compact.

August 23, 1958
[H. R. 6701]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is given to the Tennessee River Basin Water Pollution Control Compact, as hereinafter set out. Such compact reads as follows:

Tennessee River
Basin Water Pollution
Control Com-
pact.
Congressional
consent.

“TENNESSEE RIVER BASIN WATER POLLUTION
CONTROL COMPACT

“ARTICLE I

“The purpose of this Compact is to promote effective control and reduction of pollution in the waters of the Tennessee River Basin through increased cooperation of the states of the Basin, coordination of pollution control activities and programs in the Basin, and the establishment of a joint interstate commission to assist in these efforts.

“ARTICLE II

“The party states hereby create the ‘Tennessee River Basin Water Pollution Control Commission’, hereinafter referred to as the ‘Commission’, which shall be an agency of each party state with the powers and duties set forth herein, and such others as shall be conferred upon it by the party states or by the Congress of the United States concurred in by the party states.

“ARTICLE III

“A. The party states hereby create the ‘Tennessee River Basin Water Pollution Control District’, hereinafter called the ‘District’, which consists of the area drained by the Tennessee River and its tributaries.

“B. From time to time the Commission may conduct surveys of the Basin, study the pollution problems of the Basin, and make comprehensive reports concerning the prevention or reduction of water pollution therein. The Commission may draft and recommend to the parties hereto suggested legislation dealing with the pollution of waters within the Basin or any portion thereof. Upon request of a state water pollution control agency, and in a manner agreed upon by such agency and the Commission, the Commission shall render advice concerning the various governments, communities, municipalities, persons, corporations or other entities with regard to particular problems connected with the pollution of waters. The Commission shall present to the appropriate officials of any government or agency thereof its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this Article. The Commission, upon request of a member state or upon its own instance may, after proper study, and after conducting public hearings, recommend minimum standards of water quality to be followed in the several areas of the District.

“ARTICLE IV

“The Commission shall consist of three Commissioners from each state, each of whom shall be a resident voter of such state. The

Commissioners shall be chosen in the manner and for the terms provided by the laws of the state from which they are appointed, and each Commissioner may be removed or suspended from office as provided by law of the state from which he is appointed.

"ARTICLE V

"A. The Commission shall elect annually from its members a Chairman and a Vice Chairman to serve at its pleasure. It shall adopt a seal and suitable by-laws for its management and control. The Commission is hereby authorized to adopt, prescribe and promulgate rules and regulations for administering and enforcing all provisions of this Compact. It may maintain one or more offices for the transaction of its business. Meetings shall be held at least once each year. It may determine duties, qualifications and compensation for and appoint such employees and consultants as may be necessary and remove or replace them.

"B. The Commission shall not compensate the Commissioners for their services but shall pay their actual expenses incurred in and incidental to the performance of their duties.

"C. The Commission may acquire, by gift or otherwise, and may hold and dispose of such real and personal property as may be appropriate to the performance of its functions. In the event of sale of real property, proceeds may be distributed among the several party states, each state's share being computed in a ratio to its contributions; and in the event of dissolution of the Commission, the property and assets shall be disposed of and proceeds distributed in a like manner.

"D. Each Commissioner shall have one vote. One or more Commissioners from a majority of the party states shall constitute a quorum for the transaction of business, but no action of the Commission imposing any obligation on any party state or any municipality, person, corporation or other entity therein shall be binding unless a majority of all of the members from such party state shall have voted in favor thereof. The Commission shall keep accurate accounts of all receipts and disbursements, and shall submit to the Governor and the legislature of each party state an annual report concerning its activities, and shall make recommendations for any legislative, executive or administrative action deemed advisable.

"E. The Commission shall at the proper time submit to the Governor of each party state for his approval an estimate of its proposed expenditures. The Commission shall subsequently adopt a budget and submit appropriation requests to the party states in accordance with the laws and procedures of such states.

"F. The Commission shall not pledge the credit of any of the party states. The Commission may meet any of its obligations in whole or in part with funds available to it, from gifts, grants, appropriations or otherwise, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Commission makes use of funds already available to it, the Commission shall not incur any obligations prior to the making of appropriations adequate to meet the same.

"G. The accounts of the Commission shall be open at any reasonable time to the inspection of such representatives of the respective party states as may be duly constituted for that purpose. All receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become a part of the annual report of

the Commission. The Commission shall appoint an Executive Director. The Commission shall also appoint a Treasurer who may be a member of the Commission. The Executive Director shall be custodian of the records of the Commission with authority to attest to and certify such records and copies thereof under the seal of the Commission. The Commission shall require bonds of its Executive Director and Treasurer in the amount of at least twenty-five per cent of the annual budget of the Commission.

“ARTICLE VI

“Each of the Commission’s budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. In determining these amounts, the Commission shall prorate one-half of its budget among the several states in proportion to their land area within the District, and shall prorate the other half among the several states in proportion to their population within the District at the last preceding Federal census.

“ARTICLE VII

“A. It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this Compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, industrial and agricultural uses, bathing and other recreational purposes, maintenance and propagation of fish life, navigation and disposal of wastes.

“B. The Commission may establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory states through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory state agrees to submit its classification of its interstate waters to the Commission for approval. It is agreed that after such approval, all signatory states through their appropriate state water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

“ARTICLE VIII

“A. A state pollution control agency of any party state may certify to the Commission an alleged violation of the Commission’s standards of quality of water entering said state. Upon such certification the Commission may call a hearing at which the appropriate state pollution agencies shall be represented. If the Commission finds a violation has occurred, is occurring or is likely to recur, it shall make recommendations as to the manner of abatement of the pollution to

the appropriate water pollution control agency of the party state within which the violation has occurred, is occurring or is likely to recur. In the event that Commission recommendations made pursuant to the preceding provisions of this Article do not result in compliance within a reasonable time, the Commission may, after such further investigation if any as is deemed necessary and proper and after a hearing held in the state where a violation occurs or has occurred, issue an order or orders upon any municipality, person, corporation or other entity within said party state violating provisions of this Compact by discharging sewage or industrial wastes into the waters of the District which flow through, into or border upon any party state. Such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of. The Commission shall give reasonable and proper notice in writing of the time and place of the hearing to the municipality, person, corporation or other entity against which such order is proposed except that when the Commission shall find that a public health emergency exists, it may issue such an order pending hearing. In all such instances, the hearing shall be promptly held and the order shall be withdrawn, modified or made permanent within thirty days after hearing. No order prescribing the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of shall go into effect upon a municipality, person, corporation or other entity in any state unless and until it receives the approval of a majority of the Commissioners from each of not less than a majority of the party states, provided that such order receives the assent of not less than a majority of the Commissioners from such state.

"B. It shall be the duty of the municipality, person, corporation or other entity within a party state to comply with any such order against it or him by the Commission, and any court of competent jurisdiction in any of the party states shall have jurisdiction, by mandamus, injunction, specific performance or other form of remedy, to enforce any such order against any municipality, person, corporation or other entity domiciled, located or doing business within such state; provided, however, such court may review the order and affirm, reverse or modify the same in any appropriate proceeding brought and upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law enforcing official of the appropriate state shall have power to institute in such court any action for the enforcement of such order.

"ARTICLE IX

"Nothing in this Compact shall be construed to limit the powers of any party state, or to repeal or prevent the enactment of any legislation, or the enforcement of any requirement by any party state, imposing any additional conditions and restrictions to further reduce or prevent the pollution of waters within its jurisdiction.

"ARTICLE X

"A. Nothing contained in this Compact shall be construed so as to conflict with any provision of the Ohio River Valley Water Sanitation Compact or to impose obligations on any party state inconsistent with those which it has undertaken or may undertake by virtue of its membership in said Compact; provided that nothing contained in this Article shall be deemed to limit the Commission's power to set higher standards for the waters of the Tennessee River Basin Water

Pollution Control District or any portion thereof than those required for the Ohio River Valley Water Sanitation District.

"B. Nothing contained in this Compact shall be deemed to give the Commission any regulatory power or jurisdiction over any aspect of pollution abatement or control within the District unless existing or future pollution of such waters does or is likely to affect adversely the quality of water flowing among, between, into or through the territory of more than one party state.

"ARTICLE XI

"Any two or more of the party states by legislative action may enter into supplementary agreements for further regulation and abatement of water pollution in other areas within the party states and for the establishment of common or joint services or facilities for such purpose and designate the Commission to act as their joint agency in regard thereto. Except in those cases where all member states join in such supplementary agreement and designation, the representatives in the Commission of any group of such designating states shall constitute a separate section of the Commission for the performance of the function or functions so designated and with such voting rights for these purposes as may be stipulated in such agreement; provided that, if any additional expense is involved, the member states so acting shall appropriate the necessary funds for this purpose. No supplementary agreement shall be valid to the extent that it conflicts with the purposes of this Compact and the creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities or duties of the member states participating therein as embodied in the other articles of this Compact.

"ARTICLE XII

"This Compact shall enter into force and become effective and binding when it has been enacted by the legislature of Tennessee and by the legislatures of any one or more of the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina and Virginia and upon approval by the Congress of the United States and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.

"ARTICLE XIII

"This Compact shall continue in force and remain binding upon each party state until renounced by act of the legislature of such state, in such form and manner as it may choose; provided that such renunciation shall not become effective until six months after the effective date of the action taken by the legislature. Notice of such renunciation shall be given to the other party states by the Secretary of State of the party state so renouncing upon passage of the act.

"ARTICLE XIV

"The provisions of this Compact or of agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this Compact, or such agreement, is declared to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this Compact or of any agreement thereunder and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby,

provided further that if this Compact or any agreement thereunder shall be held contrary to the Constitution of the United States or of any state participating therein, the Compact or any agreement thereunder shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. It is the legislative intent that the provisions of this Compact shall be reasonably and liberally construed."

SEC. 2. The consent of Congress is given to any of the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia to become a party to the Tennessee River Basin Water Pollution Control Compact in accordance with its terms.

Federal representative.
Reports.

SEC. 3. (a) The President shall appoint a Federal representative to the Tennessee River Basin Water Pollution Control Commission who shall be recognized by and admitted to said Commission. Such representative shall maintain liaison between the Federal Government and the Commission, and from time to time shall report on the activities of the Commission to the President, either directly or through such agency or official of the Government as the President may specify, and to the Congress.

Compensation.

60 Stat. 808,810.
5 USC 73b-2, 55a.

(b) Such representative shall receive compensation and travel expenses, including per diem in lieu of subsistence, in the manner provided for experts and consultants in sections 5 and 15 of the Administrative Expenses Act of 1946, except that (1) the time limitation with respect to the length of services authorized in such section 15 shall not apply, (2) the per diem rate of compensation for such representative shall be such amount, not in excess of \$100, as is established by the President, and (3) the total compensation paid in any calendar year to such representative shall not exceed \$15,000. A retired military officer of the United States or a retired civilian employee of the United States may be appointed to serve as such representative without prejudice to his retired status, and shall receive compensation as authorized in this subsection except that his retired pay or annuity under Federal law and compensation under this subsection shall not exceed \$15,000 in any calendar year. If an employee of the United States is appointed to serve as such representative in addition to his regular duties as such employee, he shall serve without additional compensation. Compensation paid under the authority of this subsection shall be paid from funds appropriated to the Executive Office of the President for salaries in the White House office or for staff assistance for the President in connection with special projects.

Office space,
etc.

(c) Such representative shall be provided with necessary office space, consulting, engineering, and stenographic service, and other administrative services by such agency of the Government as may be designated by the President. Travel and other expenses for such representative shall be paid from funds appropriated to such agency.

SEC. 4. Any additional power or duty proposed to be conferred upon the Tennessee River Basin Water Pollution Control Commission by the party States or by the Congress of the United States under authority of Article II of the Compact as set forth in the first section of this Act shall be one within the general authority granted by said compact and may be utilized only in furtherance of the purpose described in Article I of such compact.

Pollution control activities.

SEC. 5. Any supplementary agreement entered into pursuant to Article XI of the Tennessee River Basin Water Pollution Control Compact as set forth in the first section of this Act shall be for the express purpose of controlling and reducing pollution and coordinating pollution control activities and programs in waters common to two or more of the party States, and the provisions of and proce-

dures employed in any such supplementary agreement shall be substantially similar to and in conformity with the provisions and procedures of such compact.

SEC. 6. Nothing contained in this Act or in the compact herein approved shall be construed as impairing or affecting the sovereignty of the United States or any of its rights or jurisdiction in and over the area or waters which are the subject of the compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 23, 1958.

Public Law 85-735

AN ACT

To authorize free transit at the Panama Canal for vessels operated by State nautical schools.

August 23, 1958
[H. R. 7779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 412 (c) of title 2 of the Canal Zone Code is amended to read as follows:

Panama Canal.
Certain vessels,
free transit.

"(c) Vessels operated by the United States, including warships, naval tenders, colliers, tankers, transports, hospital ships, and other vessels owned or chartered by the United States for transporting troops or supplies, and oceangoing training ships owned by the United States and operated by State nautical schools may, in the discretion of the President of the United States, be required to pay tolls. In the event, however, that such vessels are not required to pay tolls, the tolls thereon shall nevertheless be computed and the amounts thereof shall be treated as revenues of the Panama Canal Company for the purpose of prescribing the rates of tolls, and shall be offset against the obligations of the said corporation under paragraphs (c) and (e) of section 246 of this title, as amended."

Approved August 23, 1958.

Public Law 85-736

AN ACT

To amend section 2324 of the Revised Statutes, as amended, to change the period for doing annual assessment work on unpatented mineral claims so that it will run from September 1 of one year to September 1 of the succeeding year, and to make such change effective with respect to the assessment work year commencing in 1959.

August 23, 1958
[S. 3199]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2324 of the Revised Statutes, as amended (30 U. S. C. 28), is amended by striking out "1st day of July" and inserting in lieu thereof "1st day of September".

Mining claims.
Assessment
work year.

SEC. 2. Notwithstanding the amendment made by the first section of this Act, the period commencing in 1957 for the performance of annual assessment work under section 2324 of the Revised Statutes, as amended, shall end at 12 o'clock meridian on the 1st day of July 1958, and the period commencing in 1958 for the performance of such annual assessment work shall commence at 12 o'clock meridian on the 1st day of July 1958, and shall continue to 12 o'clock meridian on September 1, 1959.

Approved August 23, 1958.